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In re Application of	:	
TAKAHSHI, Kojiro et al.	:	
Application No.: 10/030,619	:	
PCT No.: PCT/JP00/03000	:	DECISION ON
Int. Filing Date: 10 May 2000	:	
Priority Date: 10 May 1999	:	PETITION
Attorney Docket No.: Takahashi30	:	
For: METHODS FOR CONSTRUCTING	:	UNDER 37 CFR 1.137(b)
DNA LIBRARY AND SUPPORT	:	
CARRYING DNA LIBRARY	:	
IMMOBILIZED THEREON	:	

This decision is in response to "Petition to Revive Under 37 C.F.R. §1.137(b)," filed on 21 June 2002.

BACKGROUND

On 10 May 2000, applicants filed international application PCT/JP00/03000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 November 2000.

On 08 December 2000, applicants filed a Demand for international preliminary examination, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired on 13 November 2001 (10 November 2001 was a Saturday and 12 November 2001 was a holiday).

On 11 January 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition to revive under 37 CFR 1.137(a).

On 13 May 2002, the Office mailed Decision on Petition Under 37 CFR 1.137(a), dismissing applicants' petition without prejudice.

On 21 June 2002, applicants submitted the instant petition to revive under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicants' statement that "the entire delay in filing section 371 application for entry into the U.S. national stage from the due date for entry until the filing of this grantable petition, was unintentional," is construed to mean that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). If this is not a correct interpretation, applicants must notify the Office immediately. The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The processing fee for late furnishing of the translation of the international application will be charged to Deposit Account No. 02-4035, as authorized by the transmittal letter.

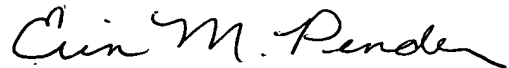
CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration is required.



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